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Dkt. 0687/74768-AA/JPW/GJG/MJP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Wayne Graham and Robert Norman Rice
Serial No. : 10/759,841 Examiner : Whiteman, Brian A.
Filed : January 15, 2004 Art Unit : 1635
For : SYNTHETIC GENES AND GENETIC CONSTRUCTS

30 Rockefeller Plaza
20th Floor
New York, New York 10112
September 24, 2009

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Supplemental Information Disclosure Statement is being submitted to bring to the Examiner's attention the listed submission in a related application. This Supplemental Information Disclosure Statement is being filed concurrently with Applicants' Amendment As A Submission Under 37 C.F.R. § 1.114(c) and with two additional Supplemental Information Disclosure Statements. In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants direct the Examiner's attention to the following reference, which is listed on the Form PTO-1449 (Substitute) attached hereto as **Exhibit A**.

According to 37 C.F.R. § 1.97(b)(4), a Supplemental Information Disclosure Statement filed after the filing of a request for continued examination under § 1.114, but before the mailing of a first Office Action, shall be considered. No fee is deemed necessary for the filing of this Supplemental Information Disclosure Statement.

Applicants : Michael Wayne Graham and Robert Norman Rice
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Page 2 of 3 of September 24, 2009 Supplemental Information
Disclosure Statement

A copy of item 1 has not been included in accordance with 37 C.F.R. § 1.98(a)(2)(ii). Applicants respectfully direct the Examiner to the Image File Wrapper of the appropriate related application for a copy of the reference. The Examiner is respectfully requested to make this reference of record in the above-identified application by initialing and returning a copy of the enclosed Form PTO-1449 (Substitute).

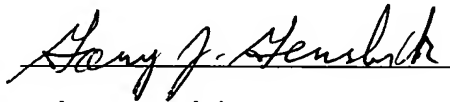
1. Suggestion of Interference Pursuant to 37 C.F.R. § 41.202, submitted April 15, 2009, in connection with U.S. Serial No. 11/364,183, filed March 1, 2006, including attachments thereto.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Applicants : Michael Wayne Graham and Robert Norman Rice
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Page 3 of 3 of September 24, 2009 Supplemental Information
Disclosure Statement

No fee is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. However, if any fee is required authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Gary J. Gershik
Registration No. 39,992
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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Alexandria, VA 22313-1450

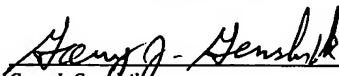
 9/24/09
Gary J. Gershik Date
Reg. No. 39,992

EXHIBIT A

Supplemental Information Disclosure Statement

Submitted: September 24, 2009

Serial No. 10/759,841

Filed: January 15, 2004

Applicants: Michael Wayne Graham et al.



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According to 37 C.F.R. § 1.97(b)(4), a Supplemental Information Disclosure Statement filed after the filing of a request for continued examination under § 1.114, but before the mailing of a first Office Action, shall be considered. No fee is deemed necessary for the filing of this Supplemental Information Disclosure Statement.

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Copies of items 1 and 2 are attached hereto as **Exhibits B and C**, respectively. The Examiner is respectfully requested to make these references of record in the above-identified application by initialing and returning a copy of the enclosed Form PTO-1449 (Substitute).

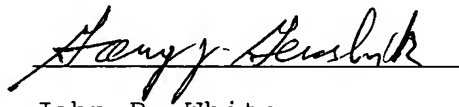
1. Third party observations under article 115 EPC against European Patent Application EP 98964202.0 in the name of Carnegie Institution of Washington; and
2. de Feyter R et al. (1996) "A ribozyme gene and an antisense gene are equally effective in conferring resistance to tobacco mosaic virus on transgenic tobacco" Mol Gen Genet. 250: 329-338.

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Respectfully submitted,



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Gary J. Gershik Date
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EXHIBIT A

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